

IP 04-0406-C H/L Orr v Barnhart
Judge David F. Hamilton

Signed on 6/28/05

NOT INTENDED FOR PUBLICATION IN PRINT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

KELLY M. ORR,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:04-cv-0406-DFH-WTL
)	
JOANNE B. BARNHART, Commissioner)	
of Social Security,)	
)	
Defendant.)	

ENTRY ON ATTORNEY FEE APPLICATION

Plaintiff Kelly Orr has moved for an award of attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d) in the amount of \$4,274.75 and for costs of \$150.00 under 28 U.S.C. § 2412(a). The defendant objects only to the hours of attorney time devoted to the plaintiff's opening brief. Attorney Schnauffer spent 17.3 hours drafting the brief. Attorney Wright spent 1.0 hour editing the brief.

The court finds the time reasonable, in view of the quality and persuasiveness of the brief. In Social Security litigation, the more prevalent problem is poor quality briefs in support of cases that should not have been filed (because of the deferential standard of review). The court will not trim this fee request, which is reasonable.

Accordingly, plaintiff's application is granted, and the court awards by separate judgment a fee of \$4,274.75 and costs of \$150.00.

So ordered.

Date: June 28, 2005

DAVID F. HAMILTON, JUDGE
United States District Court
Southern District of Indiana

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